

From: Swaine, Abby
Sent: Thursday, July 23, 2015 5:40 PM
To: Chop Hardenbergh
Subject: more info on Pan Am - EPA settlement

Hello, Chop.

Thanks for publicizing this at the complaint stage in Feb. See all legal docs attached. You might want to look at the "environmental culture assessment" that is part of the Order ("Pan Am Final Order (7 17 15).pdf"). Pan Am has estimated they will spend approximately \$70,000 on that project, in addition to the penalty they'll pay EPA. There are provisions in the Order to assess penalties if the assessment and action plan don't happen. It's EPA's understanding that the assessment and action plan will be broad/comprehensive in scope, not limited to storm water and spill issues. The five locations listed on page 7 were chosen by Pan Am as those with the most distinct "industrial" activity, as defined by the storm water program.

(Off the record, I'm told there are some ongoing drainage/discharge issues in Waterville that EPA will try to help Pan Am assess early this Fall, as they and their contractor seem to have been unable to figure it out on their own. So this is probably not the last news on this issue/location.)

Let me know if you have any questions. Cyndi Scarano and Rob Culliford are the Pan Am people with whom EPA attorney Jeff Kopf negotiated.

Also attached is a handout on the regulations that are the subject of this action.

Abby

From: Deegan, Dave
Sent: Tuesday, July 21, 2015 3:15 PM
To: editor@atlanticnortheast.com
Cc: Kopf, Jeff; Swaine, Abby
Subject: FW: EPA News: Railway Company Settles Clean Water Act Violations in Maine and Mass.

Hello Mr. Hardenbergh,

I wanted to make sure you were aware of this EPA settlement, which may be of interest to your readers.

Thanks and Best Regards,
Dave

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**From:** US EPA New England Region [<mailto:noreply-subscriptions@epa.gov>]  
**Sent:** Tuesday, July 21, 2015 3:09 PM

**To:** Deegan, Dave

**Subject:** EPA News: Railway Company Settles Clean Water Act Violations in Maine and Mass.



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## **News Release**

**U.S. Environmental Protection Agency**

**New England Regional Office**

**July 21, 2015**

Contact: David Deegan (617) 918-1017

### **Railway Company Settles Clean Water Act Violations in Maine and Mass.**

**BOSTON** – Pan Am Railways has agreed to settle EPA allegations that they violated the federal Clean Water Act at two of its railyards operating in Waterville, Maine, and East Deerfield, Mass. The company has agreed to pay a fine of \$152,000 to resolve the violations.

According to allegations in a complaint filed by EPA this past winter related to the Waterville facility, Pan Am violated the conditions of the Maine “Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity,” as well as federal Oil Pollution Prevention Regulations. According to EPA’s complaint, Pan Am’s stormwater pollution prevention plan (SWPPP) did not adequately describe control measures necessary to minimize the impact of stormwater running offsite to nearby surface waters. Debris piles were located on site without proper controls in place, and oil staining was observed throughout the site. EPA asserted that the company failed to maintain certain erosion control measures. In addition, EPA alleged that the company failed to fully implement a Spill Prevention, Control, and Countermeasure (SPCC) plan, a tool to avoid oil spills.

EPA had also filed another complaint alleging similar violations related to the company’s East Deerfield, Mass. facility. EPA alleged that Pan Am violated the conditions related to stormwater management of its individual NPDES permit, and also violated the federal Oil Pollution Prevention Regulations. According to the complaint, the facility failed to include adequate site maps that contained all the required components of a SWPPP; failed to conduct annual stormwater inspections in 2011 and 2012; and failed to implement good housekeeping practices designed to maintain areas that are potential sources of pollutants. The facility also failed to stabilize an area of the site where significant erosion was occurring. In addition, EPA alleged that the company failed to fully implement its SPCC plan at this site as well.

As part of the settlement, in addition to the financial penalty, Pan Am also agreed to undertake an Environmental Culture Assessment (ECA) and develop and implement action plans to improve the current environmental culture at five of its New England facilities located in: East Deerfield, Mass., Ayer, Mass., North Billerica, Mass., Waterville, Maine, and South Portland, Maine. The goal of the ECA and action plans is to reduce the impact of rail operation on the environment.

The Clean Water Act requires that certain industrial facilities, such as railyards, have controls in place to minimize pollutants from being discharged with stormwater into nearby waterways. Each site must have a stormwater pollution prevention plan that describes the best management practices that the company will follow to prevent runoff from being contaminated by pollutants.

Without adequate on-site controls, stormwater runoff can flow directly to the nearest waterway and can cause water quality impairments such as siltation of rivers, beach closings, fishing restrictions, and habitat degradation. As stormwater flows over these sites, it can pick up pollutants, including sediment, biological and chemical oxygen demand, and oil and grease. The law also prohibits the discharge of process waste waters without a permit. Untreated wastewater discharges and stormwater runoff can harm or kill fish and wildlife and can affect drinking water quality.

Every year, thousands of gallons of oil are spilled from oil storage facilities, polluting New England waters. Even the effects of smaller spills add up and damage aquatic life, as well as public and private property. Spill prevention plans are critical to prevent such spills or, if they do occur, adequately address them.

More information:

EPA's enforcement of the Clean Water Act <http://www2.epa.gov/enforcement/water-enforcement>

Oil spill prevention ([www.epa.gov/emergencies/content/spcc/index.htm](http://www.epa.gov/emergencies/content/spcc/index.htm))

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